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THE
R E P L Y
TO
Some Reflections
ON
Mr. *ASGILL*'s Essay, &c.

THE
REPLY
TO
Some Reflections
ON
Mr. *Asgill's* ESSAY
ON A
Registry,
FOR
Titles of Lands.

*By Way of a Letter to the Author
of the Reflections.*

L O N D O N,
Printed for John Astwood, at his
Printing-House behind St. Christopher's
Church, in Thread-needle-street, the back-
side of the Royal Exchange. 1699.

THE
R E P L Y
T O

Some Reflections, &c.

S I R,

IF I may be intrusted to make an Abstract of my own Essay, it is
To Assert and Prove,
1. That Free-hold Lands in
England may be incumbered in divers
manners, and in divers places, which
renders the Titles thereunto incertain,
and therefore is a Deficiency in the
Law.

2. That the Conveyances by Lease
and Release, lately invented upon the
Statute of Uses, being Clandestine Con-
veyances, and now become the com-
mon

mon Conveyances of the Kingdom, doth occasion a Necessity of a Registry to prevent them.

And Page 11. I have Challenged the Inns of Court to shew, That either the Common Law, or Parliaments of England, ever directed any Incumbrances to affect Lands but by solemn Livery and Seisin, or Matter of Record, and that therefore these Clandestine Conveyances are crept in, contrary to the true Intent and Meaning of Parliaments, and all the avowed Laws and Customs of the Kingdom.

And this (I know) it was, that gave you Confidence to single your self out, as the Goliath of the Law, to answer me : In which (Bully-like) you Lugg out with a Threat in your Mouth. Promising,

1. To shew that my Arguments are advanced on Suppositions and Opinions in the Law, which are in themselves either false or mistaken, or at least very broken and imperfect.

2. However they may be just in themselves;

themselves, they conclude nothing to the purpose, viz. The Necessity of a Registry.

And to Charge me with Falshood in the Matter of my Challenge, you say,

Page 22. That Lands were otherwise to be incumbered than by Livery and Seisin, or matter on Record : And for this you instance,

1. By a Lease for Years.
2. A Devise by Will.
3. A Grant of a Rent Charge.
4. A Release to a Disseizor.
5. A Surrender.

For Reply to which, in affirmance of my *Essay*, I say,

1. That to a Lease for Years at Common Law, the Transferr of the Possession by Entry was Necessary to perfect the Conveyance, so as to make the Lessee capable of taking a Release, which is directly contrary to a Bargain
and

and Sale for Years by the Statute, of which I have Complained, as being perfectly executed to this intent without any Entry.

2. That to a Grant of a Rent there must be an Attornment, which is the Seisin of the Rent, and all the Possession that a Rent is capable of, and by this the Tenant hath the same Notice to know to whom to pay his Rent, as he hath by a Feofment of the Land. Tho' I Confess, that in both these Cases of a Lease for Years, and Grant of a Rent, the Deeds themselves, without any Entry, are the initiating of a Title, so as to give the Grantees a Right to have their Title perfected; for the Lessee by Virtue of his Lease may enter, and the Grantee of the Rent may Compel an Attornment; and so may a Man by Articles and a Suit in Chancery compel the making of a Deed: But 'till these things be done, the Title is not perfect. But indeed in your Discourse of the Nature of a Bargain and Sale, before the Statute, you seem to value a Title to a Suit in Chancery, as much as a Title to an Estate.

3. As

3. As to a Release to a Disseizor. There is an actual Transfer of the Possession by Entry, before the Release can operate, and the Entry is as an Essential Part of the Conveyance as the Release ; for they both make but one Conveyance.

And because I Observe, that whereas I have in my *Essay* used these Words, *Livery and Seisin*, and some other Words, as *Records, Titles, Notices, &c.* in their large sense, according to common intent, you wou'd take Advantage of me, by Commenting upon them, according to their strict Signification in Terms of Law. I'll endeavour to explain this Controversie about *Livery and Seisin*.

When a Deed is made first, and the Possession is taken afterwards, this the Lawyers call a *Feofment*.

And when the Possession is taken first, and the Deed made afterwards, this they call a *Release*.

Now because I won't contradict the Lawyers in their Terms of Art, I neither did nor do say; that both these are Feofments, or that both of them are Releases. But I did and do say.

that according to common Sense, they are both the same sort of Conveyances, and are both executed by Livery and Seisin, because there is an actual and visible Transfer of the Possession, in the one as well as the other; without which neither of them can be executed. But as in the first, the Deed being already made, there needs nothing more but Possession; so in the latter, the Possession being already had, there needs nothing but the Deed: For the Law hates to do any thing twice by Circuity of Action. When a Man is in Custody of the Sheriff by any one Writ executed upon him, he is in his Custody upon all other Writs then delivered, or otherwise the Sheriff must let him go as fast as he takes him, in order to take him again. And as *Littleton*, Sect. 460. saith, *It is in vain to make an Estate by Livery and Seisin to another, where he hath the possession of the same Land by the Lease of the same Man before.* And therefore did not you and your Admirers, value your selves, more upon Knowledge of Terms of Art, than the Reason of do-
ing

ing Business, you would not vaunt so much of your Victory over me in this Point.

4. As to a Surrender, I say, that a Surrender is not an Incumbrance on Land; but a Discharge of an Incumbrance ; and what I have said in my Essay, is of the Manner of creating Incumbrances, and not of discharging them. For a Judgment, which is an Incumbrance upon Record, may be discharged by a Release which is not recorded, and so several other Rights may be released without Livery or Record; and therefore, you might as well have instanced in any of them as in a Surrender.

5. As to a Devise by Will, I say, That tho' the Makers of the Law, 32 H. 8. by which Lands are deviseable, did not thereby particularly direct such Devises to be registred, yet they knew that long before the making that Statute, Wills were usually registred, whereby all the Devises therein might appear. And as to what you say, *That Lands being by the Custom of several Boroughs, deviseable before the ma-*

king this Statute, is a sufficient Answer to what I have said of the Custom of the Kingdom to the contrary, is (by your leave) taking a Point of Law without asking: For the Custom of the Kingdom is the Common Law of England, but the Custom of an Hundred particular Boroughs is not, and therefore nothing that you say of them, can be an Answer to what I say of that.

I think these are all the Opinions in Law, in which you would seem to charge me with Falshood.

Now to follow you in your next Task, which is to shew my Notions mistaken, broken and imperfect.

Page 3. You say, I have not enumerated all the ways, by which Lands may be incumbered.

Reply. Truly Sir, nor you neither, and (tho' I own you much more Law and Memory than I have) I'll give you 'till the Publication of your next Reflections, to make an Inventory of these Incumbrances; for there's as many

ny several ways of incumbring Lands, as there are several species of Profits belonging to them, as Herbage, Pannage and Estovers above Ground, and Mines under, all which may be particularly granted, and every such Grant is an Incumbrance : However, I thank you, for strengthening my Argument : For if the multiplied ways of Incumbrances, are the cause of the uncertainty of Titles, the more ways the more incertain.

Page 3. You say, my word Incumbrance doth not comprehend Conveyances of Land.

Reply. For this I'll put you a Case, (which when you have answered, I'll answer the two you have put me)
A. conveys his Land to *B.* and then makes a Deed of it to *C.* and Covenants with *C.* that he hath not incumber'd it ; *Query,* Whether the Conveyance to *B.* be a Breach of the Covenant with *C.* ? But I find this Word *Incumbrance* is unlucky to Registries.
 Major

Major Gen. *Ludlow* in his Memoirs takes Notice, That upon a Bill for a Registry then brought into the House of *Commons*, the Lawyers kept them three Months upon the Word *Incumbrances*. I remember indeed (amongst the School-Boys) we had a nice Distinction in Magick, between (two Compounds of *Cumbo*) *Incubus* and *Succubus*; both which we had learnt to be the Possession of the Devil: But *Incubus* (it seems) is the Devil within a Man; and *Succubus* the Devil lying upon him; which the Country People call a *Night-Mare*.

Page 7. You expose my Ignorance of the Nature and Operation of a Bargain and Sale before the Statute.

Reply, To this I can only say, that I never saw any Author so much Contradict himself in four Pages, as you have done to this Point in your 7th, 8th, 9th, & 10th. or else I can't understand them. I own (indeed) that (for Contradiction-sake I suppose) you have

have flatly denied my Assertion in three words: But coming to argue upon it, you have Confessed all I have said. Like Felons who plead *Not Guilty* (for Form-sake) tho' they know the Evidence will be against them.

Page 11. You Reprove me for saying, that the Device of Conveyancing by Lease and Release, is an Abuse of the Statute of Uses: Whereas, say you, the Statute hath (notwithstanding) its full Operation.

Reply. So say I, and more too; for the Parliament have given an Inch, and the Lawyers have taken an Ell; and I always understood too much use of any thing to be an abuse of it.

Page 13. You Correct me again, for saying that the Statute for Inrollments is Eluded; whereas (say you) page 15. 'tis only Avoided.

Reply. For this saying, Sir, and this only,

only, I heartily begg your Pardon, and Knock under Table.

Page 15. You fetch me about again, for saying that this Statute is avoided by the Lease and Release, whereas (say you) the first Avoidance was by the Covenant to stand seized, and that the Lease and Release was since invented, instead of the Covenant to stand seized.

Reply. But Sir, they say in our Country, That the Receiver is as bad as the Thief, and the Truth is, (as you say) that because the Lawyers found, that this Covenant to stand seized would not do all manner of Business, they invented the Lease and Release, which hath done it effectually.

But then you say, It had been more proper for me, to have instanced in this Covenant to stand seized, which was the first Evasion of the Statute, and is now out of use; than in the Lease and Release,

lease, which was invented afterwards, and is now in use.

Reply. By this, Sir, I perceive, if you were to Lampoon the Fashions, you would fall foul upon Ruffs and high Collars, short Boots and long Spurs, and let the Fopperies of the present Age go free.

Page 28. You find fault with my definition of Title, as different from my Lord Coke's.

Reply. Now only to show how Captious you are, (for this signifies nothing to our purpose) my Definition is, *That to make a Title, is to take the Property of a thing from one Man, and put it into another*; and Lord Coke's is, *Titulus est iusta causa possidendi quod nostrum est, viz. The means whereby a Man comes to Land.* And pray Sir, can any Man have a better means to come to Land, than by a Conveyance from him that had it before?

page 28. In the same page you contradict me, for saying that some Notice is necessary to all Title, whereas say you, by a Gift of Goods they are vested without Notice to the Donee, and so is the Duty upon a Bond without Notice to the Obligee.

Reply. Very good. But suppose the Donor or Obligor deny the Execution of the Deed, must there not be some Witness to prove it? and this is what I have said, that there ought to be Notice to other Persons besides the Parties, to evidence the Deed, least the Seller deny it.

And now Sir, I thank you for giving me my *Quietus* from any more of your Animadversions upon my false or mistaken Notions in the Law. But,

page 30. You come to the second part of your Task, that my Arguments don't prove my Conclusion, viz. the Necessity of a Registry. And this you
would

would prove by Logick. For, say you, if Conveyances by Lease or Release be the only Grievances in the uncertainty of Titles, and that these were made by Elusion of the Statute for Inrollments; therefore if a Provision were made for inrolling all Bargains and Sales, as well for Years as Free-holds, it would remedy the Mischief, without registering all.

Reply. By this you would confine my Argument to make good your own: For tho' I lay the blame more particularly upon Leases and Releases, (as being most us'd) I don't by that quit my other Arguments, or say there is no other Mischief: Nor will any Inrollment remedy the Mischiefs, without giving a preference to Deeds so inrolled, to Deeds not inrolled, which is all the Registry offered: And whether it be called Registry or Inrollment, doth not alter the Case.

But pray Sir, by the way, give me
C 2 leave

leave to intrude a little upon your Trade of Reflections, for I dare say, no one that has read them, but thinks either that you are concerned in some Office, or Fees for Inrollments, or write for some one else that is. And for what you hint against new Officers and new Fees, I only say, that I can make no Comparison between old and new Officers, unless I know their Names. But for Fees, I'll undertake, that Deeds may be registred for half the Money they are now inrolled ; not that I am underbidding you, but I observe you are concerned for the Subject.

Pag. 48. You tell us, you have gone through the two Branches of your Design; with what success the World may judge.

Reply. Yes ! very great ! Jamque opus exegi. Welcome to the Butts Gentlemen. And now you are at leisure to Divert your self with me. And to begin,

page 28. You are pleased to mention two considerable parts of my Essay to be Wit and Malice.

Reply. To this I can't return you a less Complement than, That your Reflections seem to be written with as much Wit, and as little Malice as you could.

page 48. You say the Clergy think their best Answer to me, is a silent Scorn and Contempt.

Reply. Why then (I say that for 'em) they have more Command of their Passion than you have.

page 42. You say, I might have quoted *Precedents* more to my purpose, than out of the *Old and New Testament*.

Reply. By this I Conjecture, these are the two last places you ever look for any thing in.

page 49. You say, That I deserve to be admired for no other Reason, but for daring to write what a wiser Man would tremble to hear.

Reply. Why this may be ! and yet Paul's Sermon was never the worse, nor Felix ever the wiser for trembling at it : They who never think of these things by themselves, are subject to such Quasms when they hear them from others.

Hi sunt qui trepidant & ad omnia fulgura pallent.

page 50. You would be very severe on those words in my Preface, I hope I have such a Warrant to search for Truth, that will justify me in breaking through all Crafts and Sciences to find it ; as Hunger justified David and his Men, for entering the Priest's House, and eating
ing

ng the Shew-Bread : Because (*say you*) David was a King, and Kings have Prerogatives, and therefore might be justified in that which (perhaps) might intitle a Man of Mr. Asgill's Station to another Reward, (*Anglicé, to be Hang'd.*)

Reply. Why then it seems 'tis but perhaps, and so you are not positive, but have made a Prerogative Case of it, *Whether a King's breaking a Priests House be Burglary?* As to that, Sir, tho' I don't Care to shew my self a Volunteer in Cases of Prerogative, yet I dare give my Opinion in this Case, That if *David* had had no Men with him, nor any that would have come when he called 'em, the Priests would have made this action Burglary : But his addition of *Men* (which I have inserted in my Preface, and you have left out of your Paraphrase) is very Material in this Point, (as I humbly conceive) and quite alters the Case : Tho' after all, *David* was no King
at

at the time of this Fact committed.

page 44. You say I have made no provision for the Ignorance and Dishonesty of those who Transact Matters in Title.

Reply. The whole Design of the Registry is to prevent Dishonesty : But for Cure of Ignorance, I hope you don't expect it from me, whom you have so often Charged with it ; and that you have Stiled me *Gentleman* in one Line, and called me *Impudent* in the next, puts me in Mind of the Civility of the Coif given by one Serjeant at Law to another, at *Salisbury Affizes*, Brother ! you are a *Rascal*.

page 49. You say, I should not have Disclosed the Mysteries of my Trade.

Reply. And yet in page 4. You hint, that all I have said of the Priests and Lawyers, is but a Transcript from Lord Coke.

page 52. You say, That the Proposals of Registries, having been still rejected by the Wisdom of our Forefathers, is some Argument against it.

Reply. There is no more a Species of a Registry, than (*Selden* saith) there is of Kings, who in some Countries are Hereditary, some Elective, some Annual, and some for Life, and all these invested with different Powers.

I have seen some Proposals for Registries calculated for Rebellion. To burn all the Records, Fore-close Men of their Rights for Non-claim upon blowing a Horn, levelling all Titles, and beginning the World anew. And therefore the Rejection of such a Registry as this, is no Argument against another otherwise calculated.

And for those Gentlemen, who are so complacent as to declare for a Registry in General, and yet find fault with all that are proposed, till they shall please to define the Nature of what they would have, I presume they must be thought to be against all.

D

But

But as to rejection of Laws by precedent Parliaments, we have several Examples of receiving them afterwards, as the taking away the Court of Wards, the Grant of the sole Trade to the *Indies*, the Tax upon Paper, &c. which last I especially mention, because your old Friend, *Fabian Phillips*, writing against a Registry about fifty years since, puts the Proposal for that and Stamp-Paper together, as Badges of *Spanish* Slavery, and you have resembled it to Thralldom and base Tenure, and against the Freedom of Freeholders, (*Not to be at liberty to cheat Men of their Money!*) Then,

In page 43. You give another Political Hint against a Registry, by which I know you mean that old Bugg-Bear, That a Registry under a Monarchy is dangerous, by discovering Estates and Settlements to the Crown, whereby to make them liable to attainders.

Reply. Why pray, as the Case now stands;

stands; Suppose a Man is attainted of Treason, shall not the King have an Office found for his Land, upon Evidence only that he received the Profits, (and I hope a Registry don't furnish out that Evidence) and this puts the Heirs or Purchasers to plead and show their Deeds, and sure those Deeds would not be less, but rather more valid (in this Case) for being registred. And yet whoever hath a Mind to keep any Settlement secret, need not register it, for nothing can defeat it but another Deed register'd, which can't be done, but by the Grantor himself.

And as to discovering the Monies of Mortgagees, whereby to tax 'em, I should not be sorry to see that effected any way in ease of Lands, tho' they may effectually register their Mortgages, without discovering the Summs secured. And I believe, there are not many Examples of forfeiting Monies at Interest by Attainders, for Usurers are generally Old Men or Young Women, who seldom are caught in Plots against the State, or else such others who be-

ing easie in their Fortunes, won't venture (upon any Revolution) to meet a new King so far as *Brentford*, 'till they have several Affidavits of the former being safely landed on the other side the Water. But,

page 48. *You have desired the Reader to take Notice, That what you have said is only in Answer to Mr. Aggill.*

Reply. Why then ! if the Reader finds more Jest than Earnest in my Reply, I desire him to take Notice, That it is to make it more suitable to your Reflections. And by this and your other Grave Sentences, and General Cautions, I suppose you would be understood, that you could have wrote better on this Subject if you had a Mind to it. And therefore, to give you a further Opportunity of shewing that Faculty, I shall add something more to my former Assertions, as Matter for your further Reflections.

I. After-

I. Assertion.

That the want of a General Registry, hath been the Occasion of multiplying Laws to prevent Frauds in the Titles of Lands.

Proved. **T**Hat this was the Occasion of making this *Statute of Uses*, 27 H. 8. the several Statutes against Fraudulent Conveyances, several Clauses in the Act 29 Car. 2. to prevent Frauds and Perjuries, and all the late Acts against Clandestine Mortgages, and to secure Purchasers, appears by the Preambles of the several Acts, which recite abuses by Secret Deeds, Uses, &c. which might have been prevented by a Registry ; for all Frauds in Titles came by Concealments, and when they are Registered, they can't be Concealed.

II. Assertion.

II. Affertion.

That besides other Inconveniencies which may and do arise in the Construction and Use of New Laws when they are known, the very Multiplication of them is a Burden to the People by rendring them difficult, if not impossible, to be known by them.

Proved. I may venture to hint at other Inconveniencies in New Laws, when the Author of these Reflections, Page 53. saith, *We are not without Experience of some Laws in force, whose Design ('tis true) was the Prevention of Fraud, and yet have furnished out more Business for Westminster Hall than the Mistakes they have prevented would perhaps have occasioned. Witness the Statute of Uses and Wills. Out of which these Clandestine Conveyances have been formed.*

And

And how many Debates have arisen in the Courts of Law, about Deeds fraudulent or not fraudulent, and in the Courts of Equity about Notices of Incumbrances, Rights of Redemption, &c. before they come to be settled and known as Judgments or Rules of Courts by the Lawyers themselves?

But for the meer Layity, they can never come to know 'em, by reason of the multitude of the particulars, and the distance of time between one Act and another, and the comparing them together, in order to understand them, and so they run into the Breach of them without knowing it; and therefore if that Question in *Twyne's Case*

Queritur, ut crescant tot magna volumina Legum?

In promptu Causa est, Crescit in orbe dolus.

had been inverted, the Answer might have been inverted too

Quæris?

*Quæris? ut orbis habet tot multa ex-
empla dolorum,
In promptu, Causa est, jura volumen
habent.*

The difficulty of the Knowledge of the Law, is not so much from the abstruseness of the Matter, whereby to puzzle the Judgment, but from the number of the Particulars, which burdens the Memory ; for all Cases of Common Use are known as well to the Clients, as to the Lawyers. There is not a greater Article in the Laws of *England*, than *The Descent of Lands to the Eldest Son as Heir*, and yet this being a common Case, every Man is his own Lawyer in it. And were a Registry settled, the Use of it would become so common, that the Knowledge of the Law, and Practice of it, would become universal. Whereas the Law of Titles now lying dispersed in several Volumes, which must be compared with one another, 'tis a Discouragement to the Students of the Law themselves, to enquire after them.

The

The Multiplication (and consequently the Ignorance) of Laws, is a secret Curse fallen upon Man, which insensibly consumes his Estate, without his taking any Account of it.

The first Law delivered to Man was terminated in one single Point, and that but a Negative; *Only of that Tree thou shalt not eat*, which being so short and plain, could neither burden his Memory, nor puzzle his Judgment. But Man refusing to hold his Life by so easie a Tenure, he had (for his Punishment) delivered him a Law of a Thousand Commandments, *which neither we nor our Fathers were able to bear*; not from the difficulty of any one Precept, (for they were all trivial Performances) but from the multitude of the Particulars, and this very thing of it self (without any more) cost the People one 5th. of their Estates, (for so is the Value of Tithes computed) to maintain an Order of Priesthood, who should apply themselves to that Science only, and thereof upon all Occasions inform the People, (who were otherwise employed.)

And as this Law of *Ceremonies* and *diverse Commandments* was delivered for a Curse, so the taking away the former, and the Abridgment of the latter, was the beginning of the Redemption of the World; for *the Ceremonies of the Levitical Law* being taken away by the Death of Christ, and *the Commandments of the Moral Law* being by him abridged into one Precept, *Do unto all men, as you would they should do unto you; for this is the Law and the Prophets*: Every Man's Conscience became his own Lawyer. And thereby the Order of Priesthood became *ipso facto* dissolved, as being useless to the World, 'till by degrees they rallied again, and getting into Synods and general Councils, with Canons, Creeds, Articles, &c. they at length split the Gospel into as many Items as the Law was before, and thereby regained a pretence to the Tithes, which however they could not get settled 'till the 12th. Century after Christ; when the Decree of the Council at *Lateran*, *An. 1179.* or (as my Lord Coke saith) a decretal Epistle of Pope *Innocent the Third,*

Third, *Ann.* 1200. procured Tithes to be first appropriated to the Parish Priests.

And if the Fees certain now payable by the People, for the Knowledge of the Laws Ecclesiastick, together with the accidental Fees paid for the Knowledge of the Municipal Laws of the Kingdom, (as they come to have Occasion for them) were annually summed up together, their Total would strike deep in the Revenues of the Kingdom. Not that I propose to lower the Fees of the Church or the Law, as far as there is Occasion for them: But could the Occasions of them be reduced, I presume, the Honourable Professors of either Science would not expect to be paid for nothing.

III. ~~After-~~

III. Assertion.

That as the Delay of a General Registry hath hitherto occasioned the Multiplying of Laws to prevent Frauds in Titles, so the longer it is delayed, the more Laws must be multiplied for that purpose.

Proved. They say a Registry signifies nothing 'till forty or fifty Years after 'tis made, and so they said fifty Years ago : But if instead of that, it had been then settled, we had now received the Benefit of it : And should that Objection prevail in other Cases, we must neither plant Oaks nor Orchards, but leave off Generation, because our issue arrive not to Manhood 'till One and Twenty.

It is expected that Frauds in Titles will increase, and consequently Laws must be multiplied to prevent 'em ; and when

when all's done, it must come to a Registry at last, after some more Cheats have enforced it ; and therefore in the mean time we are at double Charge, in mending an Old House, which must be Nev^r Built at last.

IV. Assertion.

That the Apprehension of Frauds in Titles draws a Suspicion upon good Titles as well as bad, and consequently doth depreciate the Value of Lands in general.

Proved. One of the first Objections against a Registry is, That Frauds in Titles are not so considerable as they are made to be. Suppose that true, yet from the present impossibility of making Titles certain, they are all suspected to be false. It may be said, that Robberies and Burglaries are not so common, as that Men should always ride armed, or keep their Doors shut, and yet they do think themselves obliged

ged to be on their defence, because they know not when the Thieves will come. Suppose there were the like Hazard in the Titles of Stock in the Bank, &c. as in the Titles of Lands, viz. That this Stock were transferrable at large out of a Registry, and that every such particular Transferr, together with general Incumbrances of Judgments, Statutes, &c. were to affect it, as they do Lands, and that the Conveyances of it were to be made by Lawyers, with recitals, *And whereas's*, &c. shewing all the mean Assignments through which they came, and a Set of Covenants afterwards for being lawfully seized, &c. whether this very alteration of the Title, without any thing else, would not of it self depreciate the Value of Stock 20 *l. per Cent.* and yet perhaps there might not be one false Title in a hundred Transferrs. Why then if it be supposed, that the Changing the Title of Lands to the Title of Stock, would depreciate it so much, I can't think but the changing the Title of Stock to the Title of Lands, would much advance the Value of them,

them, and this Title to Stock is nothing but a Registry, which doth take away the use of

First, All Recitals of main Assignments, because in the very Accounts of the Registry it appears, by whom all Transfers were made.

Secondly, All Covenants for a good Title ; because the Registry it self shows it is a good Title ; and therefore in all Conveyances of Copy-holds, and Fens-Lands in their Registry, there's no Recital of things past, nor Covenants against them, because it always appears upon the Roll, and this makes the Conveyances of those Lands so short, being only the Words of Grant, Parcels and Habendum, and consequently the Titles are easier perused, and less hazardous : For the very Length of Deeds doth of it self hazard the Titles, by causing Mistakes in perusing them.

Indeed I can't pretend, that a Marriage Settlement, whereby Lands are to be entailed on the Issue Male, with provision for raising Monies on several Contingencies, should be as short as a bare Transfer of Stock without any such
Settle-

Settlement of it, nor can such a Settlement made of Stock, be as short as a bare Transferr of Lands. But why all the Words of Grant and *Habendum*, may not be as short in a Transferr of Land as of Stock, I can't apprehend, and then there can be no difference in the Length of them, but in the Naming of the Parcels. And therefore to say, that a Registry of Lands may not be made as perfect, and the Title thereof as readily transferrable as Stock, is to say, that the same thing can't be done within an Inns of Court, as is at *Grocers-Hall*, or the *East-India House*.

To me the Transferr of Titles seems to resemble the Carriage of Commodities, which is to be considered in the Price, as well as any thing else. And if this be doubted, and the Registry be rejected, I could only wish, that an Experiment were made, to change the Titles of Stock, Tallies, Bills, &c. (or at least of one Branch of them) into the Titles of Lands, to see whether this Clogg on their Transferr would
not

not make them as dead Commodities
as Land is now.

V. Assertion.

*That the Establishing a Registry in
the Metropolis, will be as convenient,
and less chargeable, than to settle
it in each County.*

*Proved. That all Men should have Ju-
stice brought home to their Doors, and
their Business done near Home, sounds
popular. But tho' the Soil of the Lands
lies in the proper Counties, yet the
Transfers of the Title follow the Law-
yers, and the Lawyers follow the
Terms, which are in the Metropolis,
and therefore the Transfers of Titles
are generally made there.*

However this Registry don't alter
the Execution of Deeds, but leaves
that to be done by the Parties, any
where, as it was before. So that the
F additional

additional trouble by the Registry, is only the Transmitting the Deeds from the Place where they are executed, to the Place of Registry ; and were there a Registry in every County, they must be transmitted to the Place where that Registry is kept, and the Party need carry them no further, in order to register them in *London* : Because the Registers in *London* will find it their Interest to settle Deputies in every County, who shall transmit and receive back all Deeds, without trouble to the Parties. So that the Registry in *London* will be as convenient as the Registry in each County.

And as it will be as convenient, so it will be less chargeable. For should Registries be settled in each County, there must be a General Registry in *London*, to which the Entries of all the County Registries must be transmitted, or else they would be of no use for Searches : And therefore, all great Incumbrances which affect Lands, are recorded in the Courts at *Westminster*. And 'tis Observable, that the
Office

Office of Registry for Transferring Pen-
Lands, is kept in *London*.

But as this Registry is calculated,
it may be first settled in any one place,
and from thence be extended, or else
suppressed, according to the *Experience*
and *Success* of it.

FINIS.
